

TEACHERS' RETIREMENT BOARD

REGULAR MEETING

OPEN SESSION

SUBJECT: Quarterly Litigation Report ITEM NUMBER: 12

ATTACHMENT(S): 1

ACTION: _____

DATE OF MEETING: April 2, 1998

INFORMATION: X

PRESENTER: Mr. Waddell

The report is attached.

Quarterly Litigation Report

April 1998

The only change to the report is the removal of Coalition for Economic Equity v. Pete Wilson, et al. As reported in the January summary, the California Supreme Court let the lower court decision stand. The matter is closed.

Marvin Heinsohn v. STRS, TRB

Sacramento Superior Court No. 541360

Plaintiff's Counsel: Pro Per
STRS Counsel: Shellyanne Chang, DAG

Plaintiff became a member of STRS in 1950 and retired in June 1982, under an Option 3 naming his second wife, who he had married in December 1973, as his Option beneficiary. In April 1985, he filed for a legal separation from her and was granted a dissolution in August 1989. Plaintiff's position is that STRS has a duty to provide alternatives regarding his option 3 allowance, none of which is provided for by statute or case law. He seeks \$62,563.33 for loss of past and future benefits plus interest; \$85,699.15 in attorney fees; \$39,414.30 for reduction in his allowance due to the Option 3 election; punitive and exemplary damages as determined by the court and damages for emotional distress and physical injuries in an amount to be determined at trial. On June 28, 1995 the trial judge assigned to hear the case granted STRS' Motion on the Pleadings to dismiss the case in its entirety. Mr. Heinsohn filed a Notice of Appeal on November 22, 1995 and filed his Opening Brief on January 19, 1996. STRS filed its response brief on April 3, 1996. No hearing date has been set.

Greater Santa Cruz Federation of Teachers v. STRS

San Francisco Superior Court No. 957703

Plaintiff's Counsel: Stewart Weinberg
STRS Counsel: Shellyanne Chang, DAG

On January 7, 1994 the Santa Cruz Federation of Teachers filed a Petition for a Writ of Administrative Mandamus seeking a judicial review of the decision by the Board finding that money previously used to purchase fringe benefits for certain employees is not "compensation" for purposes of retirement. The plaintiff has five years from the date the action commenced to set the matter for hearing. No date has been set.

**CTA & Earl McGhee v. the Butte Community College District Board
of Trustees and the STRS Board**

Butte County Superior Court No. 117817

Plaintiff's Counsel: Margaret Geddes

STRS Counsel: Linda Cabatic, SDAG

This case involves an employment dispute between Mr. McGhee and the district over his lay off. Plaintiffs seek an order requiring the District to set aside its decision to lay him off, to further declare that his resignation was without effect, and that he continue in his employment there with all attendant rights and benefits. STRS is involved only because he filed a retirement application with the System in the meantime to insure that he is not without benefits in case the employer prevails. STRS will permit Mr. McGhee to cancel his application if he should prevail. No dates have been set. The System is attempting to enter into a stipulation that would remove it from the case with the agreement that Mr. McGhee could cancel his retirement without any penalty if he should prevail.